

the Berg Co., Inc., from Philadelphia, Pa., on or about May 7, 1926, and transported from the State of Pennsylvania into the State of California, and charging misbranding in violation of the food and drugs act. The article was labeled in part: "100 Lbs. Berg's 50 Per Cent Protein Poultry Meat and Bone Scrap Guaranteed Analysis Min. Protein 50.00 per cent, Min. \* \* \* Manufactured by The Berg Company, Incorporated, Philadelphia, Pa."

It was alleged in the libel that the article was misbranded, in that the statement "50 Per Cent Protein \* \* \* Guaranteed Analysis Min. Protein 50.00 Per Cent," borne on the label, was false and misleading and deceived and misled the purchaser.

On November 4, 1926, the Hart-Hill Grain Co., San Pedro, Calif., having filed a claim and answer admitting the misbranding of the product, and it having appeared to the court that the said product had been relabeled and reconditioned in accordance with law, a decree was entered ordering that it be released to the said claimant upon payment of the costs of the proceedings, and that the bond theretofore filed be exonerated.

W. M. JARDINE, *Secretary of Agriculture.*

**15336. Adulteration of Mexican sarsaparilla root and powdered colocynth pulp. U. S. v. Peek & Velsor, Inc. Plea of guilty. Fine, \$20. (F. & D. No. 21599. I. S. Nos. 12044-x, 12045-x.)**

On July 18, 1927, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Peek & Velsor, Inc., a corporation, trading at New York, N. Y., alleging shipment by said company in violation of the food and drugs act, from the State of New York into the State of Louisiana, on or about October 16, 1926, of a quantity of Mexican sarsaparilla root, and on or about November 13, 1926, of a quantity of powdered colocynth pulp, which articles were adulterated. The articles were labeled, in part: "Mexican Sarsaparilla Root, Peek & Velsor, New York," and "Powdered Colocynth Pulp."

It was alleged in the information that the articles were adulterated in that they were sold under and by names recognized in the United States Pharmacopoeia and differed from the strength, quality, and purity as determined by the tests laid down in said Pharmacopoeia official at the time of the investigation of the articles, in that the Mexican sarsaparilla root yielded 9.25 per cent of acid-insoluble ash, whereas the Pharmacopoeia provided that Mexican sarsaparilla root should yield not more than 4 per cent of acid-insoluble ash, and the powdered colocynth pulp yielded 16.4 per cent of acid-insoluble ash, whereas said Pharmacopoeia provided that colocynth pulp should yield not more than 6 per cent of acid-insoluble ash; and the standard of strength, quality, and purity of the said articles was not declared on the containers thereof.

On July 18, 1927, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$20.

W. M. JARDINE, *Secretary of Agriculture.*

**15337. Misbranding of butter. U. S. v. 60 Cases of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20981. I. S. No. 5621-x. S. No. E-5385.)**

On March 11, 1926, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 60 cases of butter, remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Minnesota Cooperative Creameries Assoc., Inc., St. Paul, Minn., alleging that the article had been shipped from St. Paul, Minn., February 27, 1926, and transported from the State of Minnesota into the State of New York, and charging misbranding in violation of the food and drugs act as amended. A portion of the product was labeled in part: (Carton) "Brand \* \* \* Minnesota Cooperative Creameries Assn. Inc. St. Paul, Minnesota." The remainder of the said article was labeled in part: (Carton) "One Pound Net Weight \* \* \* Butter." The wholesale packages containing the article were labeled in part: (Side) "30 Pounds of Butter," (one end) "For greater purity \* \* \* Brand Heathized, for better health," (other end) "Heathized 1 Lb."

It was alleged in the libel that the article was misbranded, in that part of the cartons were in package form and the quantity of the contents was not